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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD (PARTIAL)* OF THE 692nd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 23 January 2001, at 3 p.m.

Chairperson: Ms. MOKHUANE
(Vice-Chairperson)

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* No summary record was prepared for the rest of the meeting.

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In the absence of the Chairperson, Ms. Mokhuane, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) *(continued)*

Initial report of Palau *(continued)* (CRC/C/51/Add.3; HRI/CORE/1/Add.107; CRC/C/Q/PAL/1; written replies of the Government of Palau to the questions in the list of issues (document without a symbol, distributed in the conference room in English only))

1. At the invitation of the Chairperson, Mr. Otto (Palau) took a place at the Committee table.

2. Mr. OTTO (Palau) said that the Government was aware of the need to monitor the judiciary's attention to the best interests of the child.

3. While the adoption of legislation specifically to prohibit corporal punishment in schools and in the family would be desirable, it must be debated in the community. Even during the discussion of the initial report, many parents had voiced concern that too many standards and laws restricted them from properly disciplining their children. Palau had a very traditional, Christian society, in which the saying "spare the rod and spoil the child" was still widely invoked. It would take some time to bring about a meaningful change in attitudes. One of the reasons the services for crime victims were underutilized was that the project, which had initially been funded through a United States federal programme, had received support from the Palau Government only through 2000, and was slated to be eliminated in 2001. There was currently just one official working on it, and out-reach efforts were minimal. The programme's aim was not so much to support victims of crime as to provide a safe haven for children who were at risk of abuse.

4. Palau maintained diplomatic relations with 27 countries, some of which provided bilateral aid. Such assistance was generally earmarked for the construction of bridges or roads. Assistance in fields related to children came mainly from the United States and Japan, for mother and child health programmes and vaccination efforts respectively. Part of the elementary school curriculum was devoted to population studies, which could serve as a starting point for the dissemination of the Convention. The Plan of Action in the appendix to the periodic report included a section on the training of traditional and informal "helpers".

5. The loose definition of youth which had raised concern among Committee members was used mainly to permit people in their 20s and early 30s to take part in organized sport. On the other hand, when the Government referred to "programmes for children", it meant persons defined as children under the Convention and other instruments. The reason for the gender-based discrepancy between minimum ages for marriage might be a result of laws under the former trusteeship or colonial system. As one of the country's objectives was to bring its legislation into line with the Convention, the Government would surely look into eliminating that provision.

6. Children who dropped out of school did not do so to seek employment, but rather because they were attracted by an idle lifestyle. The minimum age for employment was an important question. In the Plan of Action, the Government had stated that it would seek to integrate child labour standards into the proposed Uniform Labour Act. Freedom of speech was important to Palauans and did not conflict with the country's traditions. While it was necessary to educate all members of society to ensure that children were allowed to express their views, there was a distinction to be made between the prohibition of their freedom of expression and its restriction to forms which showed due consideration for decorum and respect. All schools had student body governments and parent-teacher associations, both of which were able to take part in decisions affecting the students.

7. Ms. Rilantono had asked about the country's vision of the ideal atmosphere for children. The Ministers of Health of the Pacific Island countries had in 1995 drawn up a "Healthy Islands" framework policy, which included a vision of children nurtured in body and mind. In Palau, the vision was extended to one of children nurtured in body, mind and soul.

8. Ms. KARP noted that the Government was making efforts to integrate disabled children into regular schools. How was that done in practice? Were any efforts made to facilitate their access to public places? What measures had been taken to increase acceptance of the disabled by other students, who could sometimes be reluctant to accept them, or even cruel? Teachers too required support to help integrate the disabled into their classrooms. Were they given any counselling? The Master Plan for Education listed a number of aims, yet some of the objectives set out in the Convention, such as human rights education and participation, were apparently not included. Since such subjects were not at variance with the local culture, it would be worthwhile to teach them.

9. In many cases children dropped out of school because they felt that the curriculum and structure were irrelevant and did not meet their needs. Perhaps the education system should attempt to be more proactive, for example by making a special effort to increase participation and improve the content of the subjects covered. According to the report, it was assumed that commercial sexual exploitation was not a problem affecting Palauans, but rather one which involved foreign children servicing the tourist market. The Government should conduct a study of the phenomenon to ascertain its actual scope and should adopt legislation to address it more effectively. That would require prevention and treatment activities for the children concerned, as well as sanctions for the adults responsible.

10. Palau's failure to separate young offenders from adults in prison would best be corrected by building a separate facility for juveniles. Until that could be done, the existing prison should be adapted as quickly as possible to hold young offenders in separate quarters. Mixing young offenders with adult prisoners was very harmful to the youths.

11. Some children were reportedly prosecuted under local customary law, and their sentences could involve up to six months' incarceration or a fine. Were such children stigmatized? What offences could be prosecuted under that system? There had apparently also been an attempt to revive traditional measures as an alternative to prosecution, which could be a creative and

positive method of dealing with certain offences. However, in a culture which traditionally did not encourage children's participation, such measures also ran the risk of isolating and castigating the children in question. Were there any plans to provide support to such children?

12. Mr. DOEK, referring to the statistics in the written replies on early pregnancy, said he assumed that a number of the young women who had given birth in 1999 had not been married at the time. How were they and their children treated?

13. While the report stated that efforts were made through plea-bargaining to avoid life sentences being issued against young offenders, in fact the possibility of a life sentence remained on the books. Would the Government take steps to repeal that provision? Offenders aged between 10 and 14 could be considered to bear some degree of criminal responsibility; he asked how such children were treated. Under Palauan law, parents could be punished for crimes committed by their children, because of their failure to exercise reasonable parental control. Was that provision ever applied? In November 2000, some 25 children had been involved in alternative community service, under which they were paid and the money used to compensate the victims of their acts. Were participants paid only if compensation was due and how did the system provide for cases where monetary compensation was not possible?

14. He would appreciate further details concerning the provision of legal counsel for juveniles. In particular, were lawyers paid by the State to defend juvenile offenders? Under the community sentencing programme, was the child entitled to legal counsel aside from his meeting with a justice official in the presence of his parents? He asked whether there was a legal limit to the length of pre-trial detention and, if so, whether it was always respected.

15. Ms. TIGERSTEDT-TÄHTELÄ said that a working group at the National Symposium on the Palauan Child had recommended a national health-care insurance plan to ensure that access to health-care services remained open to all members of the community. She asked whether legislation had been passed to establish such an insurance scheme and, if so, how it worked. Could children and non-Palauan citizens also benefit? Since, in her understanding, there were no trade or employers' unions in Palau, she would be interested to learn where social security contributions came from. Were they made by natural or legal persons?

16. Mr. RABAH, referring to paragraph 48 of the report, asked what was meant by children who "chose" to live on the street. Had the Government tried to investigate why children had left their families, and were any steps being taken to prevent them from doing so?

17. Ms. RILANTONO asked whether the Government had developed a nutritional policy, particularly with a view to dealing with obesity and sub-clinical vitamin A deficiency in children. Were the country's abundant fish resources being used effectively to counter degenerative diseases? With regard to adolescent health, did the Government have any plans for preventing mental illness and suicide? She would appreciate further information concerning the environmental health programme. She asked what environmental problems needed to be addressed since, in the absence of industry, she failed to see how pollution could be an issue.

18. In the light of the Government's recognition of the importance of recreational and physical stimulation as well as intellectual development, did the Master Plan for Education contain provisions for extending recreational activities in schools, such as building new playgrounds and other facilities?

19. Ms. KARP said that she was concerned by the prohibition of abortion in Palauan law, even when a mother's life was in danger or when she had been the victim of incest or rape. The birth of a child in such circumstances could have a very damaging impact on the life of that child. Greater flexibility should be applied to take the best interests of the child into account.

20. Referring to the new, stricter legislation designed to curb alcohol and drug abuse among 14- to 21-year-olds, she asked whether children could be brought to trial for taking drugs. Given that children were the victims of social problems, it would be more beneficial to provide them with treatment than to punish them.

21. She said she would be interested to learn how children with mental and emotional problems were treated, since they were not considered to be disabled.

22. The reported plans to introduce fees for secondary school education were a matter of concern. She would be grateful for confirmation that State education would continue to be offered free of charge and, if that were not the case, information concerning how the Government proposed to help poor children to complete their schooling.

23. In the most recent Pacific Island Forum, the problem of trafficking in human beings had been raised. Could the delegation provide information on the extent of that practice in Palau and whether the Government had any plans to counter it?

24. She requested further details concerning the curfews which applied to children. Were they also curfews that applied to adults, and could children face trial if they broke them? Lastly, she asked whether a system was in place for advising judges of the particular needs and interests of children facing trial.

25. Ms. SARDENBERG said she failed to understand the need for curfew laws, given the generally calm situation in the country. She expressed concern that such measures might constitute a violation of article 15 of the Convention concerning children's freedom of association. She asked whether children were sufficiently represented in school councils. Could they participate in the making of simple decisions affecting the running of schools, such as choosing their own uniform?

26. Regarding the protection of children from harmful information, as she understood it, the Government had identified the problem of the open sale of pornographic material in the capital city, Koror, but had been unable to devise solutions because of the shortage of trained specialists in media and communications. Could the proposed task force on the "Media and Palauan Tradition" be asked to participate in that regard?

27. There were reportedly 14 different types of informal adoption procedures, which had led to many irregularities and problems. She asked whether the Government had any plans to regulate the situation concerning informal adoption.

28. Mr. OTTO (Palau) said that since the preparation of the report, legislation had been adopted requiring certain types of buildings to be made accessible to disabled persons. However, a bill concerning assistance for carers had not been adopted and was undergoing further discussion.

29. The report did not fully do justice to the support provided for school-age children with disabilities, which included specially-trained teachers and transportation. Nevertheless, work remained to be done to ensure that disabled persons were fully accepted by society, and to that end a number of community awareness campaigns were under way. There was always a comparative shortage of resources for social services, and that was no different in the case of services for the disabled. No specific grants were awarded to encourage the training of disabled people, but they were entitled to apply for the same scholarships as the able-bodied.

30. Old-fashioned educational methods could be partly responsible for high dropout rates from school, and his Government would consider conducting a study on teaching methods and the relevance of the curriculum.

31. Replying to questions concerning sexual exploitation, he said that a study would be carried out to develop a national plan of action. The Palauan Government was already considering ways of reducing the stigma attached to victims and ensuring that offenders were prosecuted. Similarly, it was aware of parents' concerns regarding the visibility of pornography, and meetings with community leaders had been held with a view to devising solutions to the problem.

32. Separate facilities existed for juvenile offenders within the same prison buildings used to accommodate adults. Very often, minor offences, including theft, disrespectful behaviour and public nuisance, were dealt with under customary law, without the need to bring a case to trial. With regard to the Committee's concerns regarding the lack of protection for children being dealt with under the customary system, he said that traditional justice was based on the best interests of the child, as it aimed to deal with offenders in their local communities. It was designed to teach children how to behave without the need to remove them from their family and friends. Traditional chiefs also had the power to intervene when children were mistreated by their parents.

33. Most early pregnancies occurred among unmarried girls, who were not stigmatized on that account. The babies were usually entrusted to the care of the girl's mother or grandmother. The prenatal clinics identified young mothers who were at risk and took appropriate measures on their behalf. In general, the public-health system provided for the welfare of both mother and child and encouraged breastfeeding.

34. With regard to life sentences for juveniles, the usual procedure was to engage in plea bargaining to avert the need to impose such a severe sentence. According to the Attorney-General, the provision had been kept on the statute book because the chances of handing down a life sentence were so remote that it merely served as a deterrent. However, the issue might well be reviewed.

35. It was for the judge to decide whether a juvenile aged between 10 and 14 was criminally responsible, an approach that had been inherited from the trusteeship period. The idea was that juveniles in that age group had the mental capacity to tell right from wrong and could therefore commit premeditated crimes.

36. In theory, parents could be punished for offences such as truancy committed by their children but he had never heard of any such case in practice.

37. Children performing alternative community service were paid for their services in all cases. If their earnings were not used to compensate victims, they were either kept by the child or channelled into prison rehabilitation programmes.

38. Lawyers were paid by the Government to represent juveniles. He would let the Committee know in due course whether there was a limit on the period spent in pre-trial detention.

39. The bill on a national health-care financing plan had been introduced by the former Chairperson of the Senate Health Committee, who was now the Minister of Health. Its goal was to provide health insurance for all residents, both citizens and non-citizens. Citizens would be covered up to a total of US$ 30,000 for all forms of health-care, subject to a co-payment of between US$ 2 and US$ 5. Non-citizens would be required to buy into the health-care system and contributions in respect of immigrant workers would be paid by their employers in Palau. Otherwise, given the absence of trade unions and employers' associations, the system would be funded through taxation.

40. Street children were a new phenomenon in Palau society and he was unable to account for the problem. Where the children concerned had run away from home, he agreed that it was advisable to look into the circumstances of their families.

41. A sub-clinical vitamin A deficiency in children had been identified in a study by the United Nation's Children's Fund (UNICEF). No clinical manifestations had been found but a 24-hour dietary recall had indicated that the children's diet was lacking in vitamin A.

42. Environmental problems related to an increase in mosquitoes had recently led to an outbreak of dengue fever. There had also been a small outbreak of leptospirosis, caused by mosquitoes and rats, the previous year. The country still had a problem with its sewage and solid waste disposal system.

43. Adolescent health was a high-priority issue. A psychiatrist had recently been recruited to develop a mental health programme. Young people who were found to have problems at home or in school or to be using drugs were referred to the Behavioural Health Division and treated on a case-by-case basis. Children were never brought to trial for drug offences.

44. The authorities were concerned about young people's lack of interest in physical education and physical activities, which was one of the probable causes of obesity. More than one quarter of 10-year-olds had been found to be as obese. Another problem was overeating, particularly of "junk food". One of the recommendations of the National Nutrition Plan adopted the previous year was the incorporation of a physical education programme into the school curriculum.

45. Abortion could be carried out legally on medical grounds. The idea of seeking the best interests of the child in developing a policy on abortion was a new approach that called for further discussion.

46. There was no definition of emotional disability and that was one reason for Parliament's failure to adopt the bill on assistance to care-takers. Although the existence of such disabilities was recognized, problems had arisen when it came to establishing the criteria and assigning responsibility for decision-making.

47. Attendance at all public high schools was free of charge but fees were charged for attendance at private schools.

48. To his knowledge, the problem of trafficking in people had not yet been encountered in Palau. However, there had been some cases, mainly involving adults, in the neighbouring islands of Guam and Saipan.

49. The curfew was applied at 2 a.m., a time when children would not normally be up and about. The idea was to provide protection against rowdy adults emerging from bars. Curfews were a traditional way of keeping the peace in a community and were often imposed and policed by women. Children who violated the curfew were not charged with an offence.

50. The need to provide a support system for juveniles who came into conflict with the law had been recognized, but the lack of social workers with the necessary expertise was an obstacle to be overcome.

51. Students presented their concerns to parent-teacher associations but did not participate in decision-making on such matters as school uniforms. He agreed, however, that it was a good idea.

52. At least two conferences involving parents and other adult members of the community had been held on the problem of access by juveniles to morally harmful materials. There were plans to enact protective legislation in that area.

53. Informal adoption was one of the most difficult issues facing Palau in its efforts to comply with the Convention. The 14 varieties of informal adoption were deeply entrenched in the country's traditions, but children who had been adopted in accordance with such procedures were often resentful of their lot. A great deal of discussion would be necessary on how best to address the issue.

54. He gave the following breakdown of professionals working with children: one psychiatrist, two paediatricians, two general practitioners, one nutritionist, one dietician, four experts in special education, four social workers, three counsellors and six public health nurses.

55. Ms. KARP said that Palau's report could serve as a model. It reflected a deep understanding of the objectives and principles underlying the Convention.

56. She hoped that Palau would succeed in striking the right balance between economic development and preservation of its culture, environment and national identity. It should look for new and creative ways of interpreting traditions in a manner consistent with the Convention, especially the principle of seeking the best interests of children as partners in society. She understood that when parents taught their children traditional values, they often suppressed their emotions, creating a vacuum that undermined the aim of producing responsible citizens. Responsibility was developed not through obedience and humiliation but through partnership.

57. She encouraged Palau to implement its National Plan of Action for Children, taking into account the Committee's observations and ensuring that sufficient funds and manpower were available for its implementation.

58. Mr. OTTO (Palau) said that he would transmit the Committee's concluding observations to the appropriate authorities, who would certainly take them to heart. He trusted that many of the projects currently under consideration would have been duly implemented by the time Palau's next periodic report was submitted.

The public part of the meeting rose at 4.45 p.m.